

REMARKS/ARGUMENT

Applicant has canceled claim 24 herein without prejudice, and has amended claims 12, 14 16, and 30. It is respectfully submitted that the amendments do not add new matter and have adequate support in the Specification. Accordingly, claims 12-23 and 25-31 are currently pending in the present application.

Applicant respectfully traverses all objections and claim rejections for the reasons that follow:

I. REJECTIONS OF CLAIMS 12-15, 16-18, 21, 25-27 AND 30 UNDER 35 U.S.C. § 102(b)

Claims 12-15, 16-18, 21, 25-27 and 30 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 1,897,400 to Scofield (hereinafter "Scofield"). Claims 12-14, 16-18, and 25-27 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,282,410 to Sanderson (hereinafter "Sanderson"). Respectfully Applicant traverses.

Claims 12, 16, and 30 each recite "a first support for a first one of the loudspeakers and a second support for a second one of the loudspeakers." The references cited by the Office Action do not anticipate the present claims as neither disclose such a feature

The claimed invention in all of the claims is specific to loudspeakers. Radio sets as in Scofield or magazine boxes, as in Sanderson are not loudspeakers, nor would one concerned with loudspeakers look to those other arts for relevant teachings.

Scofield is directed to "brackets for radio sets mounted on automobiles, airplanes, boats and other automotive devices." (Scofield, col. 1, lines 1-4). The bracket disclosed in Scofield is specifically configured to rigidly hold a radio during rough travel. (Scofield, col. 1, lines 5-10). Furthermore, the radio bracket disclosed in Scofield is designed to be lowered into an accessible position. (Scofield, col. 1, lines 10-12). The first support as disclosed in Scofield is configured to mount against a dash board in a car, while the second support is configured to support a radio. Scofield does not disclose "a ... support configured to support a ... loudspeaker" as recited in claims 16 and 24.

Likewise, Sanderson teaches an externally mounted aircraft magazine box structure. (Sanderson, col. 1, lines 9-12). The first support as disclosed in Sanderson is configured to support an ammunition box while the second support is configured to support the first support. Moreover, the supports disclosed in Sanderson are specifically configured to make the assembly aerodynamic and “crashworthy, i.e. be able to withstand very high acceleration or ‘G’ loads without collapsing.” (Sanderson, col. 1, lines 50-52). Sanderson does not disclose “a ... support configured to support a ... loudspeaker” as recited in claims 16 and 24.

For at least the foregoing reasons, it is respectfully submitted that claims 12, 16, and 30 are allowable over Scofield and Sanderson. Furthermore, since claims 13-15, 21-23, and 25-27 ultimately depend from claim 12; and since claims 17 and 18 ultimately depend from claim 16, it is respectfully submitted that these claims are allowable over Scofield and Sanderson for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 12-15, 16-18, 21, 25-27 and 30 under U.S.C. § 102(b) be withdrawn. Further, as the claims are amended as discussed herein, they would not be obvious to one of skill in the art. See IIA, below.

II. REJECTIONS OF CLAIMS 19-20, 24 AND 28-29 UNDER 35 U.S.C. § 103

Claims 19, 20, 28 and 29 were rejected under 35 U.S.C. § 103(a) as obvious over Scofield in view of U.S. Patent No. 5,154,384 to Owens (hereinafter “Owens”), also referred to as Owens in the Office Action.

Claims 19 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Sanderson in view of Owens.

Claim 24 was rejected under 35 U.S.C. § 103(a) as obvious over Sanderson in view of U.S. Patent No. 5,758,852 to Martin (hereinafter “Martin”) and also over Martin in view of Sanderson.

As discussed previously, Scofield and Sanderson fail to disclose each and every feature of claims 12 and 16, from which claims 19, 20, 28, and 29 ultimately depend. Furthermore, any reading of Owens and Martin makes clear that these references fail to cure the critical deficiencies of Scofield and Sanderson as applied against parent claims 12 and 16.

Accordingly, it is kindly requested that the rejections of claims 19, 20, 28 and 29 under 35 U.S.C. § 103(a) be withdrawn.

A. Scofield, Sanderson Owens Are Non-analogous Art

In order to rely on references as a basis for an obviousness rejection, the references must either be: (a) in the field of Applicants' endeavor; or (b) reasonably pertinent to the particular problem with which the invention is concerned. See In re Oetiker, 977 F.2d 1443 (Fed. Cir. 1992); In re Deminski, 796 F.2d 436 (Fed. Cir. 1986); In re Clay, 966 F.2d 656 (Fed. Cir. 1992); M.P.E.P. § 2141.01(a). In accordance with this standard, it is respectfully submitted that Scofield, Owens and Sanderson are non-analogous art as they are not in the field of Applicants' endeavor and are not reasonably pertinent to the particular problem with which the invention is concerned.

The present invention is directed to a "connecting arrangement [including a] first support for a first one of the loudspeakers and a second support for a second one of the loudspeakers." In contrast, Scofield is concerned with the totally unrelated field of brackets for automobile radio sets. Likewise, Sanderson is concerned with the totally unrelated field of externally mounted aircraft magazine box structure. Finally, Owens discloses a device for hanging picture frames, plates and the like in a corner between walls. Owens is not even remotely pertinent to the particular problem with which the present invention is concerned. Whereas the present invention overcomes the need for adjustable loudspeaker assemblies, Owens is concerned only with a fastening device attached to the corner of a wall. Thus, Owens is concerned with the totally unrelated field of corner wall hangings.

For at least the foregoing reasons, Scofield, Owens and Sanderson are non-analogous art as applied against the present application. As such, it is respectfully requested that the rejections under 35 U.S.C. § 103(a) of claims 19 and 20 based on Scofield in view of Owens and of claim 19 based on Sanderson in view of Owens be withdrawn.

B. The Present Invention Is Not Obvious Based on Scofield in View of Owens

Claims 19, 20, 28 and 29 were rejected under 35 U.S.C. § 103(a) as obvious over Scofield in view of to Owens.

To make out a prima facie case of obviousness of a claim, the Examiner must demonstrate, inter alia, that the suggested combination discloses each and every feature of a claim. In accordance with this standard, it is respectfully submitted that Scofield does not disclose “a first support for a first one of the loudspeakers and a second support for a second one of the loudspeakers,” as recited within the context of claims 19 and 20. Moreover, any reading of Owens fails to cure this critical deficiency in Scofield. Accordingly, as the combination of Scofield and Owens does not disclose every feature of the claimed invention, it respectfully submitted that the rejections of claims 19 and 20 based on Scofield in view of Owens under 35 U.S.C. § 103(a) be withdrawn.

**C. The Present Invention Is Not Obvious
Based on Sanderson in View of Owens**

Claims 19 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Sanderson in view Owens.

It is respectfully submitted that Sanderson does not disclose a first support for a first one of the loudspeakers and a second support for a second one of the loudspeakers,” as recited in claim 19. Any reading of Owens fails to cure this critical deficiency in Sanderson. Accordingly, as the combination of Sanderson and Owens does not disclose every feature of the claimed invention, it respectfully submitted that the rejections of claim 19 based on Sanderson in view of Owens under 35 U.S.C. § 103(a) be withdrawn.

**D. The Present Invention Is Not Obvious Based on Sanderson
in View of Martin or Martin in View of Sanderson**

Claim 24 was rejected under 35 U.S.C. § 103(a) as obvious based on U.S. Patent No. 5,282,410 to Sanderson in view of U.S. Patent No. 5,758,852 to Martin and also based on Martin in view of Sanderson. To reject a claim as obvious under § 103(a), the Examiner must demonstrate a suggestion or motivation to combine references, a reasonable expectation of

success, and that the suggested combination of references teaches or suggests each and every limitation of the claim. See In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991); M.P.E.P. § 2142. In accordance with the above standard, it is respectfully submitted that there exists no suggestion or motivation to combine Sanderson and Martin or Martin and Sanderson in the manner suggested by the Office Action.

The Office Action explains that “it would have been obvious ... to have modified Sanderson to have supported loud speakers as taught by Martin for the purpose of providing a better means of adjusting the angle between the speakers.” (Office Action, page 5). However, the structure in Sanderson is provided solely to store ammunition externally to an aircraft. There is simply no motivation to incorporate the modular loudspeaker enclosure suspension rigging system of Martin with the ammunition storage structure in Sanderson. Moreover, modifying Sanderson with loudspeakers as taught in Martin would render Sanderson inoperable for its purpose of providing an aerodynamic, externally mounted aircraft ammunition magazine box structure. Therefore, it is kindly requested that the rejections of claim 24 based on Sanderson in view of Martin under 35 U.S.C. § 103(a) be withdrawn

The Office Action also explains that “it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified Martin to have the articulation connection and angle adjustment device as taught by Sanderson for the purpose of providing a better means of adjusting the angle between the speakers.” (Office Action, page 5). However, the modular loudspeaker enclosure suspension rigging system of Martin already allows for an adjustable angle by way of an entirely different assembly, i.e. by tightening the bolts connecting the connecting bars between the modular speaker assemblies. (Martin, col. 1, lines 14-18). The connecting bars also allow for the modular design as taught in Martin. Modifying Martin with angle adjustable connection achieved through the use of an adjustable angle and a turnbuckle as taught in Sanderson would render Martin inoperable for its purpose of providing a modular design that allows for angle adjustment by tightening the bolts attaching the connecting bars between the modular assemblies. There is simply no motivation to incorporate the adjustable angle of Sanderson in the modular loudspeaker arrangement taught in Martin and the addition would render Martin inoperable for its stated purpose. Accordingly, it is kindly

requested that the rejections of claim 24 based on Martin in view of Sanderson under 35 U.S.C. § 103(a) be withdrawn.

Finally, as explained above, because Sanderson is directed to an externally mounted aircraft magazine box structure, Sanderson is non-analogous art. One of ordinary skill in the field of loudspeakers would not look to an externally mounted aircraft magazine box structure or consider combining that ammunition structure with loudspeakers. Accordingly, it is kindly requested that the rejections of claim 24 based on Sanderson in view of Martin and based on Martin in view of Sanderson under 35 U.S.C. § 103(a) be withdrawn.

For at least the foregoing reasons, it is respectfully submitted that claims 19, 20, 28 and 29 are allowable over Scofield in view of Owens, that claims 19 and 28 are allowable over Sanderson in view of Owens, and that claim 24 is allowable over Sanderson in view of Martin and also over Martin in view of Sanderson. Accordingly, it is kindly requested that the rejections of claims 19, 20, 28, and 29 under 35 U.S.C. § 103(a) be withdrawn.

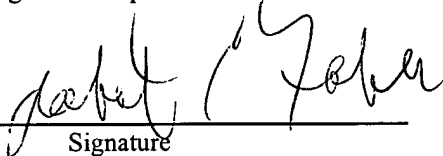
III. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on December 19, 2003

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Name of applicant, assignee or
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Signature

December 19, 2003

Date of Signature

Respectfully submitted,



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